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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

December 30, 2004

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Office of Air, Waste & Toxics

**CERTIFIED MAIL**

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FILE COPY

Ms. Susan Roth  
6236 27<sup>th</sup> Avenue NE  
Seattle, WA 98115-7114

Dear Ms. Roth:

RE: Groundwater Seepage Evaluation Report, Terminal 91 Tank Farm Site  
*Agreed Order No. DE 98HW-N108*

The Groundwater Seepage Evaluation (GWSE) Report, prepared for the Terminal 91 Site PLP Group (PLP Group) by Aspect Consulting, was received by the Department of Ecology (Ecology) on November 19, 2004. This report addresses the portion of the Port of Seattle (POS) Terminal-91 facility where RCRA corrective action is being performed pursuant to the Model Toxics Control Act (MTCA) Agreed Order No. DE 98HW-N108.

With this letter, Ecology is approving the GWSE Report. Ecology does request a wording change and a response to stated purposes of the study that were not achieved. Ecology noted other minor discrepancies and editorial issues, but since they do not diminish or change the conclusions of the report, these comments are not included.

The specific comments that Ecology requests a response from the PLP group (via correspondence) are the following:

- Section 1.3 (page 5): Several of the stated purposes were not met
  - "Estimating the groundwater discharge rates for the SA along the length of each pier and Estimating the groundwater discharge rate from the DCA".

Discharge rates for the Shallow Aquifer (SA) and Deep Confined Aquifer (DCA) were not quantified, but instead expressed as relative discharge to Elliott Bay. Please respond by explaining your statement in Section 7 "Closing," that the objectives of the work were met and how this is acceptable for the overall modeling effort at the site.

- Section 5.2 (pages 23, 24): The Report uses the term "conditional point of compliance" to define the proposed compliance monitoring wells based on the fact that "they do not monitor groundwater at the actual point of discharge to Elliott Bay." The regulatory description of a "conditional point of compliance" is covered in WAC 173-340-720(8)(c), which states:

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“Where it can be demonstrated under WAC 173-340-350 through 173-340-390 that it is not practicable to meet the cleanup level throughout the site within a reasonable restoration time frame, the department may approve a conditional point of compliance that shall be as close as practicable to the source of hazardous substances, and except as provided under (d) of this subsection, not to exceed the property boundary. Where a conditional point of compliance is proposed, the person responsible for undertaking the cleanup action shall demonstrate that all practicable methods of treatment are to be used in the site cleanup.”

Please send a revised section 5.2 to reflect this regulatory definition of conditional point of compliance. We understand the point that is being discussed so Ecology is approving the overall report, but this sections wording does not reflect our discussion on the potential “conditional point of compliance” monitoring wells at the site.

Please note that the next submittal from the PLP group should be a summation report. This report will be the final document that will pull together the Bridge Document Report (BDR) additional site evaluation work with the Remedial Investigation Data Evaluation (RIDE) report in order to finalize the RCRA Facility Investigation (RFI). As discussed with the PLP group, if the draft document does not fulfill the requirement for completing the RFI, then Ecology reserves the right to ask for a new inclusive RFI to replace the January 6, 1999 Remedial Investigation/Data Evaluation Report and the site investigation work completed since then under the BDR work. The submittal date for the summation report will need to be agreed to by Ecology before January 14, 2005.

Thank you for your submittal. If you have any questions concerning this letter please contact me at the Department of Ecology Northwest Regional Office by phone at (425) 649-7280 or by email at [gttri461@ecy.wa.gov](mailto:gttri461@ecy.wa.gov).

Sincerely,



Galen H. Tritt  
Hazardous Waste and Toxics Reduction Program, NWRO

GHT:ll

cc: Julie Sellick, Ecology-NWRO  
Greg Caron, Ecology-CRO  
Jan Palumbo, EPA Region 10  
HZW File 6.2